U.S. Department of Justice

United States Attorney
Southern District of New York

26 Federal Plaza
38th Floor
New York, New York 10278

November 18, 2024

BY ECF & EMAIL

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

      Re: *United States v. Roman Storm*, S1 23 Cr. 430 (KPF)

Dear Judge Failla:

The Government writes respectfully to request that the Court schedule an arraignment of the defendant Roman Storm on the above-listed superseding indictment. The defendant has requested that the arraignment be scheduled on December 9, 2024, and the Government is available on that date.

On November 1, 2024, the Court entered an order excluding time under the Speedy Trial Act through April 14, 2025, based on its finding that the ends of justice served by continuing the trial to that date outweighed the best interest of the public and the defendant in a speedy trial. That exclusion of time applies to the charges contained in the superseding indictment, because "exclusions [of time] granted under the original indictment apply to charges carried over in a superseding indictment." *United States v. Kelly*, 45 F.3d 45, 48 (2d Cir. 1995); *see also United States v. Roman*, 822 F.2d 261, 264 (2d Cir. 1987). However, in an abundance of caution, the Government requests that the Court enter an order excluding time from today until the date the Court schedules the arraignment on the superseding indictment. The same reasons that warranted the Court's prior order excluding time apply, and in addition, the time from today until the proposed arraignment date on December 9, 2024, is warranted to accommodate the schedule of the defendant and his counsel. The Government has conferred with defense counsel, who consents to this request.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: _____

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cc: Brian Klein, Esq., Keri Axel, Esq., & David Patton, Esq. (by ECF & email)